

REMARKS

Please reconsider the application in view of the following remarks.

Disposition of Claims

Claims 1, 6, 8, 9, 34, 64, 69, and 72-75 are pending in the application. Claims 1, 34, and 73 are independent. The remaining claims depend, directly or indirectly, from claims 1, 34, and 73.

Rejections under 35 U.S.C. §103

Claims 1, 8, 9, and 69

Claims 1, 8, 9, and 69 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,689,560 ("Cooper") in view of U.S. Patent No. 6,083,771 ("Ward"). The rejection is respectfully traversed.

(i) Cooper fails to teach a microprocessor identity

Independent claims 1 and 34 require, in part, that the "microprocessor identity uniquely identifies the microprocessor." The Examiner has asserted that Cooper teaches such a machine identity, which is equivalent to a microprocessor identity. *See* Office Action mailed January 2, 2008, p. 4. The Applicant respectfully disagrees. Specifically, one skilled in the art would understand a microprocessor to be an integrated circuit (IC). Accordingly, the microprocessor identity uniquely identifies the specific microprocessor. Further, the microprocessor identity does not change once as assigned, as "the microprocessor identity is etched into the microprocessor."

In contrast, Cooper discloses a machine id, which is generated using “user-specific attributes” and a machine id generator “which is preferably a random number generator which receives a plurality of binary characters as an input, and generates a pseudo-random output which is representative of machine identification 357.” Cooper, col. 14, ll. 42-45.

Further, Cooper states that “the process employed by machine identification generator 355 is any conventional pseudo-random number generator which receives as an input of binary characters, and produces as an output a plurality of pseudo-random binary characters, in accordance with a predefined algorithm.” Cooper, col. 14, ll. 45-50.

Moreover, even assuming *arguendo* that the machine id is equivalent to a microprocessor identity, Cooper fails to disclose using the machine id to encrypt any digital identity data. Rather, the machine id is itself encrypted using a key derived from the system attribute selector. *See* Cooper, col. 14, ll. 51-65. In view of the above, the machine id is not equivalent to the microprocessor identity as recited in the claims.

(ii) Cooper fails to encrypting the digital identity data using the microprocessor identity

Independent claims 1 and 34 require, in part, “wherein the digital identity data is bound to the microprocessor identity by encrypting the digital identity data using an algorithm that uses the microprocessor identity.” The Examiner asserts that the key file includes personal information and, accordingly, the key file is equivalent to digital identity data. Based on this assertion, the Examiner then proceeds to assert that the key file is encrypted using a key. *See* Office Action mailed January

2, 2008, p. 3. The Applicant respectfully disagrees with the Examiner's assertions. Specifically, the key (401) used to encrypt the key file (397) is not the machine id (which the Examiner asserts as equivalent to the microprocessor identity, *see above*); rather, it is a distinct key derived using system attributes (421). *See Cooper*, Fig. 18. Further, there is no indication in *Cooper* that the key used for encryption is equivalent to the machine id. In view of the above, the encryption of the key file using the key is not equivalent to encrypting the digital identity data using an algorithm that uses the microprocessor identity.

(iii) Cooper and Ward cannot be properly combined.

It is a well established tenant of patent law that "[i]f [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)" M.P.E.P. § 2143.01 V. In the instant case, the Examiner has asserted that the invention of *Cooper* may be modified using the teachings of *Ward*. Specifically, the Examiner relies on *Cooper* to teach a microprocessor identity (which the Examiner asserts is equivalent to the machine id in *Cooper*) and on *Ward* to disclose etching the microprocessor into the microprocessor. *See Office Action* mailed January 2, 2008, p. 4.

A review of *Cooper* reveals that *Cooper* teaches generating a machine id for a potential customer using software executing on the potential customer's computer. *See Cooper*, col. 11, ll. 11-14 ("The machine identification 271 is automatically derived utilizing the file management

program which is resident on the computer-accessible memory media, and which is unique to the particular data processing system being utilized by the potential customer.”)

Further, Ward is directed to a method for manufacturing theft-deterrent computer components. In particular, Ward is directed to using a laser (17) to etch a serial number onto a component. *See* Ward, col. 1, ll. 40-60; col. 3, ll. 3-13.

Applicant respectfully asserts that the teachings of Ward cannot be used to modify the teachings of Cooper as such modification would render the invention in Cooper unsatisfactory for its intended purpose. Specifically, the Cooper discloses generating the machine id for the component using a program executing on the potential customer's computer. It would not be feasible to subsequently etch the machine id into the microprocessor because: (a) the etching would require the microprocessor to be removed from the potential customer's computer in order for the machine id to be etched onto it and (b) the etching requires a laser, which is not present at the potential customer site. In view of the above, Applicant asserts that it is not proper to modify Cooper in view of Ward as such a combination would require a potential customer to generate a machine id, stop execution of their computer, remove the microprocessor, and etch the machine id onto the microprocessor, reinsert the etched microprocessor into the potential customer's computer, and then resume execution of the computer. Clearly, one of ordinary skill in the art would not have been motivated to modify Cooper using Ward as such modification would substantially increase the difficulty of using the invention disclosed in Cooper, decrease the practicality of using the of using the invention disclosed in Cooper, and ultimately render the of using the invention disclosed in Cooper as unsatisfactory for its intended purpose.

In view of the above, claims 1, 8 and 9 are patentable over the cited prior art. Further, claim 69, which depends from independent claim 34, is also patentable over the cited prior art for at least the reasons described above. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 69

The Applicant reiterates that claim 69 recites “wherein the owner is a corporation, wherein the name is an incorporation name of the corporation, and wherein the digital identity data further comprises at least one selected from the group consisting of a date and place of incorporation of the corporation, a name of a corporate officer of the corporation, and a corporate partner of the corporation.” Emphasis added. The Examiner has asserted that because Cooper discloses a customer key the above limitation is taught. *See* Office Action mailed May 25, 2007, pp. 2-3.

The Applicant is unaware of any teaching or suggestion in Cooper for storing any information related to a corporation. In view of the above, Cooper does not teach or suggest the above limitation and, accordingly, claim 69 is patentable over the cited prior art for this additional reason. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper and Ward in view of an article entitled “The Trustworthy Digital Camera: Restoring Credibility To the Photographic Image” (“Friedman”). This rejection is respectfully traversed.

Claim 6 depends from independent claim 1. As discussed above, Cooper and Ward, whether considered separately or in combination, fail to teach or suggest, all the limitations of independent claim 1. Further, Friedman does not teach or suggest that which Cooper and Ward lack as evidenced by the fact that the Examiner relies on Friedman solely to teach a digital photograph. *See* Office Action mailed January 2, 2008, p. 5.

In view of the above, claim 1 is patentable over the cited prior art. Dependent claim 6 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34, 64, 72-74

Claims 34, 64, 72-74 stand rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper, Ward, U.S. Patent No. 6,567,915 ("Guthery"), U.S. Patent No. 6,111,506 ("Yap"), and U.S. Patent No. 6,847,948 ("Paolini"). The rejection is respectfully traversed.

With respect to claims 34 and 64, independent claim 34 includes at least the same digital identity device as recited in independent claim 1. As discussed above with respect to independent claim 1, Cooper and Ward, whether considered separately or in combination, fail to teach or suggest all the limitations of the digital identity device of independent claim 1. Thus, the aforementioned references also do not teach or suggest all the limitations of the digital identity device of independent claim 34. Further, Gurtney, Yap and Paolini do not teach or suggest that which the aforementioned prior art references lack. This is evidenced by the fact that Gurtney, Yap and Paolini are only used to teach or suggest:

obtaining digital identity data from a digital identity device operatively connected to a computer in which the electronic document is stored; encrypting the electronic document using the digital identity data. See Office Action mailed January 2, 2008, pp. 6-7.

In view of the above, all of the cited prior art references, whether viewed separately or in combination, fail to teach or suggest all the limitations of independent claim 34. Dependent claim 64 is patentable over all of the cited prior art references for at least the same reasons as independent claim 34.

Further, with respect to claim 73*, at least the following explicit limitations are recited in claim 73: (i) a digital identity device including two separate memories; (ii) digital identity data stored in the first memory; and (iii) an operating system in the second memory binding the digital identity data and the microprocessor identity. The Examiner has asserted that the aforementioned limitations are disclosed in Figure 1 of Cooper. See Office Action mailed January 2, 2008, p. 6. Figure 1 of Cooper does not show a single device that includes two separate memory. From this it logically follows that Figure 1 of Cooper does not teach or suggest memory include the content recited in the claims. Further, there is no teaching or suggestion in Cooper of etching digital identity data or microprocessor identity in the aforementioned memories. Moreover, as discussed above, Cooper and Ward, whether separately or in combination fail to teach or suggest: (i) a microprocessor identity and (ii) encrypting the digital identity data using the microprocessor identity.

* It is not clear from the rejection how the Examiner is applying Gurthey, Yap and Paolini to support a rejection of claim 73. Applicants respectfully request the Examiner to clarify how the aforementioned references are applied to claim 73.

In view of the above, all of the cited prior art references, whether viewed separately or in combination, fail to teach or suggest all the limitations of independent claim 73. With respect to claim 74, claim 74 depends from independent claim 73 and, thus, is patentable for at least the same reasons as independent claim 73.

Claim 75

Claim 75 stands rejected under 35 U.S.C. § 103 (a) as being obvious over Cooper, Ward, U.S. Patent No. 6,567,915 ("Guthery"), U.S. Patent No. 6,111,506 ("Yap"), and U.S. Patent No. 6,847,948 ("Paolini"). The rejection is respectfully traversed.

With respect to claim 75, claim 75 depends from independent claim 73 and, thus, is patentable for at least the same reasons as independent claim 73. Further, dependent claim 75 is additionally patentable over the cited prior art for at least the same reasons as discussed above with respect to dependent claim 69. In view of the above, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

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Respectfully submitted,

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